

3622

February 24, 2004



Assistant Commissioner of Patents
Washington, DC 20231

09/157,901

PROTEST UNDER 37 CFR 1.291(a)

Re: Delivery of location significant advertising

US File # **20020091568** Filed: 1/10/2001

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Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20020091568**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon an advertising database maintained at a wireless client terminal in a client-server ad delivery system. The appropriate ads are selected through profiling techniques at the server level then a database is created and downloaded (syncing) via the internet or Bluetooth or otherwise to a wireless "PDA" (Personal Digital Assistant (0023) or other mobile terminal that delivers advertising based upon location/time as well as an executable program based on keywords (0005) while mobile.

Relevant Claims are: 1, 20, 21 and others. The abstract in part reads, "Also, the invention integrates location tracking, e.g. GPS technology, with a personal electronic calendaring system. Further, an advertising message is more personalized by using a relative address/directions that start from the current customer's location."

Consistently, the inventor describes the invention in internet terms ... because it is simply an extension of the internet relating to advertising delivery. Moving from Point A to Point B as well as the time frame you move from A to B are purely voluntary user events similar to surfing the internet and going to web sites at will. In a GPS location based system, advertising is delivered and displayed based upon these voluntary user actions in one form or another, albeit audible or a monitor screen or other messages, when made by comparison to the dynamic longitude and latitude coordinates (Claim 20) to an advertising database containing geographical and/or time frame coordinates and maintained dynamically at the client level mobile terminal. The ads are then delivered to the

user consequential to his or her actions. Descriptions of these actions and functions are described in (0005) (0006) (0007) (0010) (0020) (0021) (0023) and others.

This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

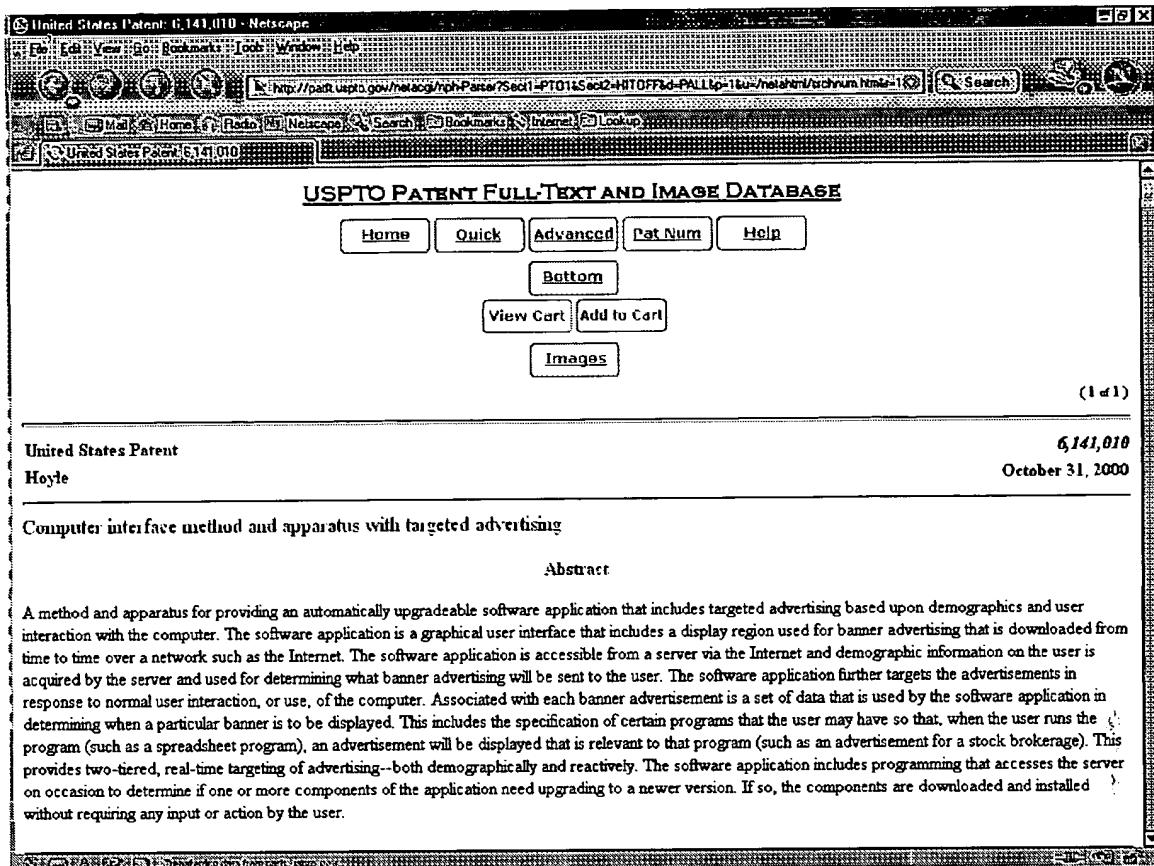
I am objecting to this patent application, as it is neither novel nor unique. It is of particular note that little prior art was submitted with this filing and only some vague references to server and user supplied profiling systems. The filers are correct that a targeted system based on URLs or keywords or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 1/10/2001 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.

The screenshot shows a web browser window with the title "exp@cerne document view - Netscape". The address bar contains the URL "http://v3.espacenet.com/textdoc?N=cerne&sh=gFIRST=1&CY=epdLG=008=EP0000x4=A&kw=Zetmer&subm=2". The page content is from the European Patent Office (EPO) and is titled "TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD". The document is identified by Patent number CA2328913, Publication date 2000-10-26, Inventor ZETMER KARL (US), and Applicant ZETMER KARL (US). The classification is International: I04B23/00. There is also a link to "Also published as" with references to WO9955066 (A1) and EP1076983 (A1). The "Abstract of CA2328913" describes a telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer. The program is initially stored on a host computer and is then downloaded upon request to user computers along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers while the consumers use the program.



Claria - Corporate Overview - Overview - Netscape

File Edit View Go Bookmarks Tools Window Help

http://www.claria.com/companyinfo/ Search

E-mail Home Radio Network Search Bookmarks Internet Lookup

Claria Corporate Overview Overview

CLARIA.

CORPORATE OVERVIEW

OVERVIEW

NEWS Room Management Team Executive Team

ADVERTISE

PRODUCTS & SERVICES

CONTACT US

Overview

Claria Corporation Overview

Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 900 Advertisers – including over 80 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network, Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.

Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads – boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.

In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard-to-reach consumers, based on their individual online behavior, quickly and cost-effectively.

History

Claria was founded in 1998 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.

By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.

Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K. and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology Crossover Ventures, U.S. Venture Partners, Investors AB, and CreditLink Capital.